

Notice of Allowability

Application No.

10/003,422

Examiner

Robert R. Raevis

Applicant(s)

SHUKLA ET AL.

Art Unit

2856

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12-23-03 and Interview of 2-24-04.
2. ☒ The allowed claim(s) is/are 21.
3. ☒ The drawings filed on 06 December 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Raevis
RAEVIS
AU2856
571-272-2204

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

Cancel claims 1-20.

Add the following new claim:

Claim 21 (new) A pipetting device that includes an elongated body, and a magnet fixedly attached to the exterior of the body, such that the magnet provides a means for temporarily attaching the pipetting device to any metallic surface located externally of the device.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Kumar on Feb 24, 2004.

Support for the above claim 21 can be found in either Figure 1 (where magnet 2 is connect to elongated body 1 corresponding to a fluid containing barrel) or Figure 2 (where magnet 2 is connected to elongated body 3 corresponding to a plunger).

Claim 21 is allowable as the prior art neither teaches nor suggest the combination of the phrase "a magnet fixedly attached to the exterior of the body, such that the magnet provides...to any metallic surface located externally of the device" with

Art Unit: 2856

remaining claim limitations. The claim is expressly limited to include an *operational* "pipette device" (lines 1, 3 of claim 21) upon which a magnet is fixedly attached, full weight being given to the phrase "pipetting device". Suovaniemi's magnets (in the motor 9) do not provide a suggestion of a "means for temporarily attaching the pipette device to any metallic surface located externally of the pipetting device". Moriarty does not provide a suggestion of fixedly attaching the magnet to the pipetting device 20. (Note that Moriarty's hanger 10 (and not the pipette 20) retains the magnet.) Janchen does not provide a suggestion of fixedly attaching a magnet to the pipette 7, as element 9 is an iron member and not a magnet. Regarding the Taylor reference (which teaches a magnet fixedly attached to the exterior of the flashlight), great weight was given to both the benefits cited on both the Levine Declaration (first paragraph) and page 1 of the written specification, which suggest that a magnet fixedly attached to the exterior of the body of a pipette may aid in preventing cross-contamination.

Claims 1-20 were cancelled for the sole purpose of preparing the application for issue. All rejected (and subsequently cancelled) claims may be subsequently prosecuted in a continuation application.

Ravis

RAEVIS

AU 2856